

Executive Summary – Enforcement Matter – Case No. 48255
Wyman-Gordon Forgings, Inc.
RN100217413
Docket No. 2014-0229-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Wyman Gordon Forgings, 10825 Telge Road, Houston, Harris County

Type of Operation:

Iron and steel forging plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 27, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$23,400

Amount Deferred for Expedited Settlement: \$4,680

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$9,360

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$9,360

Name of SEP: Houston-Galveston Area Council-AERCO

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 30, 2013

Date(s) of NOE(s): January 17, 2014

Executive Summary – Enforcement Matter – Case No. 48255
Wyman-Gordon Forgings, Inc.
RN100217413
Docket No. 2014-0229-AIR-E

Violation Information

Failed to comply with the concentration limit of 400 parts per million by volume ("ppmv") at 3% Oxygen ("O₂") for carbon monoxide ("CO"). Specifically, during a stack test conducted on June 9, 2011, it was determined that the CO concentration from the Heat Treating Furnace, Emission Point Number ("EPN") M914, was 473.52 ppmv at 3% O₂, resulting in the release of approximately 3.57 pounds of unauthorized CO emissions [30 TEX. ADMIN. CODE §§ 117.310(c)(1)(B) and 122.143(4), Federal Operating Permit No. O1031, Special Terms and Conditions No. (1)(A), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to:
 - a. Within 30 days, either:
 - i. Perform a stack test to demonstrate compliance with the CO concentration limits for the Heat Treating Furnace, EPN M914; or
 - ii. Submit an alternative case-specific specification request for the Executive Director's approval.
 - b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provisions a.i. or a.ii.
 - c. If an alternative case-specific specification is requested, then respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the alternative case-specific specification within 30 days after the date of such requests, or by any other deadline specified in writing.
 - d. If an alternative case-specific specification is requested, then within 180 days, submit written certification to demonstrate that the Executive Director has approved the alternative case-specific specification.

Executive Summary – Enforcement Matter – Case No. 48255
Wyman-Gordon Forgings, Inc.
RN100217413
Docket No. 2014-0229-AIR-E

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: David Carney, Enforcement Division,
Enforcement Team 5, MC 149, (512) 239-2583; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565
Respondent: Michael O'Brien, General Manager, Wyman-Gordon Forgings, Inc.,
10825 Telge Road, Houston, Texas 77095
Steven Howard, Environmental Manager, Wyman-Gordon Forgings, Inc., 10825 Telge
Road, Houston, Texas 77095
Respondent's Attorney: N/A

Attachment A
Docket Number: 2014-0229-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Wyman-Gordon Forgings, Inc.
Penalty Amount:	Eighteen Thousand Seven Hundred Twenty Dollars (\$18,720)
SEP Offset Amount:	Nine Thousand Three Hundred Sixty Dollars (\$9,360)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO ("AERCO")
Project Name:	<i>Clean Vehicles Partnership Project</i>
Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be

alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Wyman-Gordon Forgings, Inc.
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	21-Jan-2014	Screening	10-Feb-2014	EPA Due	14-Oct-2014
	PCW	24-Apr-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	Wyman-Gordon Forgings, Inc.				
Reg. Ent. Ref. No.	RN100217413				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	48255	No. of Violations	1
Docket No.	2014-0229-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	David Carney
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$15,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **56.0%** Enhancement **Subtotals 2, 3, & 7** **\$8,400**

Notes

Enhancement for eight NOV's with dissimilar violations and two agreed orders with denials of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$3,425
Approx. Cost of Compliance \$20,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$23,400**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$23,400**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$23,400**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$4,680**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$18,720**

Screening Date 10-Feb-2014

Docket No. 2014-0229-AIR-E

PCW

Respondent Wyman-Gordon Forgings, Inc.

Policy Revision 2 (September 2002)

Case ID No. 48255

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100217413

Media [Statute] Air

Enf. Coordinator David Carney

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 56%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for eight NOVs with dissimilar violations and two agreed orders with denials of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 56%

Screening Date 10-Feb-2014

Docket No. 2014-0229-AIR-E

PCW

Respondent Wyman-Gordon Forgings, Inc.

Policy Revision 2 (September 2002)

Case ID No. 48255

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100217413

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code §§ 117.310(c)(1)(B) and 122.143(4), Federal Operating Permit No. O1031, Special Terms and Conditions No. (1)(A), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the concentration limit of 400 parts per million by volume ("ppmv") at 3% Oxygen ("O2") for carbon monoxide ("CO"). Specifically, during a stack test conducted on June 9, 2011, it was determined that the CO concentration from the Heat Treating Furnace, Emission Point Number ("EPN") M914, was 473.52 ppmv at 3% O2, resulting in the release of approximately 3.57 pounds of unauthorized CO emissions.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

Based on emissions inventories for 2011, 2012, and 2013, the Respondent did not exceed the allowable emission rate for CO on an annual basis. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 6

977 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	x
	annual	
	single event	

Violation Base Penalty \$15,000

Six semiannual events are recommended from the June 9, 2011 stack test to the February 10, 2014 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,425

Violation Final Penalty Total \$23,400

This violation Final Assessed Penalty (adjusted for limits) \$23,400

Economic Benefit Worksheet

Respondent Wyman-Gordon Forgings, Inc.
Case ID No. 48255
Reg. Ent. Reference No. RN100217413
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$20,000	9-Jun-2011	10-Nov-2014	3.42	\$3,425	n/a	\$3,425

Notes for DELAYED costs

Estimated cost to implement measures to ensure compliance with CO concentration limits or obtain an alternative case-specific specification for the Heat Treating Furnace, EPN M914. The Date Required is the date of the stack test and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$3,425



Compliance History Report

PUBLISHED Compliance History Report for CN602538555, RN100217413, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN602538555, Wyman-Gordon Forgings, Inc.	Classification: SATISFACTORY	Rating: 2.50
Regulated Entity:	RN100217413, Wyman Gordon Forgings	Classification: SATISFACTORY	Rating: 2.50
Complexity Points:	21	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	10825 TELGE ROAD, HOUSTON, TEXAS, 77095-5038, HARRIS COUNTY		
TCEQ Region:	REGION 12 - HOUSTON		

ID Number(s):

WASTEWATER PERMIT 2E0000008

AIR OPERATING PERMITS PERMIT 1031

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31270

WASTEWATER EPA ID TX0042129

AIR NEW SOURCE PERMITS REGISTRATION 11579

AIR NEW SOURCE PERMITS REGISTRATION 12714

AIR NEW SOURCE PERMITS REGISTRATION 10647

AIR NEW SOURCE PERMITS REGISTRATION 11423

AIR NEW SOURCE PERMITS REGISTRATION 14143

AIR NEW SOURCE PERMITS REGISTRATION 34274

AIR NEW SOURCE PERMITS REGISTRATION 11258

AIR NEW SOURCE PERMITS PERMIT 6688

AIR NEW SOURCE PERMITS REGISTRATION 8040

AIR NEW SOURCE PERMITS PERMIT 8445

AIR NEW SOURCE PERMITS AFS NUM 4820100002

AIR NEW SOURCE PERMITS REGISTRATION 107366

AIR NEW SOURCE PERMITS REGISTRATION 107365

AIR NEW SOURCE PERMITS REGISTRATION 107367

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010911

POLLUTION PREVENTION PLANNING ID NUMBER P00938

AIR OPERATING PERMITS ACCOUNT NUMBER HG0114A

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD008085763

WASTEWATER PERMIT WQ0001402000

PETROLEUM STORAGE TANK REGISTRATION 363

AIR NEW SOURCE PERMITS REGISTRATION 11859

AIR NEW SOURCE PERMITS REGISTRATION 13587

AIR NEW SOURCE PERMITS REGISTRATION 11195

AIR NEW SOURCE PERMITS REGISTRATION 13463

AIR NEW SOURCE PERMITS REGISTRATION 14522

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0114A

AIR NEW SOURCE PERMITS PERMIT 3456A

AIR NEW SOURCE PERMITS PERMIT 7417

AIR NEW SOURCE PERMITS PERMIT 8126

AIR NEW SOURCE PERMITS REGISTRATION 11111

AIR NEW SOURCE PERMITS REGISTRATION 98495

AIR NEW SOURCE PERMITS REGISTRATION 107364

AIR NEW SOURCE PERMITS REGISTRATION 107368

WASTEWATER LICENSING LICENSE WQ0001402000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0114A

Compliance History Period:	September 01, 2008 to August 31, 2013	Rating Year:	2013	Rating Date:	09/01/2013
Date Compliance History Report Prepared:	January 27, 2014				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	January 27, 2009 to January 27, 2014				

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: David Carney

Phone: (512) 239-2583

Site and Owner/Operator History:

- | | |
|----------------------------------------------------------------------------------------------------|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |

5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 02/22/2009 ADMINORDER 2008-1351-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: O-01031 General Terms and Conditions OP
Description: Failure to submit the semiannual deviation report with in 30 days of the end of the deviation reporting period.
- 2 Effective Date: 02/24/2013 ADMINORDER 2012-1056-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Eff. Lim. & Monit. Req. PERMIT
Description: Failed to comply with permitted effluent limitations.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	February 18, 2009	(752001)
Item 2	March 09, 2009	(752002)
Item 3	April 17, 2009	(752003)
Item 4	May 20, 2009	(769757)
Item 5	July 09, 2009	(808772)
Item 6	August 07, 2009	(808773)
Item 7	October 20, 2009	(808775)
Item 8	November 20, 2009	(808776)
Item 9	December 21, 2009	(808777)
Item 10	January 20, 2010	(808778)
Item 11	February 22, 2010	(808771)
Item 12	March 20, 2010	(832372)
Item 13	April 23, 2010	(832373)
Item 14	May 20, 2010	(832374)
Item 15	June 18, 2010	(846728)
Item 16	July 20, 2010	(861256)
Item 17	September 20, 2010	(874427)
Item 18	October 19, 2010	(882007)
Item 19	November 09, 2010	(888485)
Item 20	December 28, 2010	(896810)
Item 21	January 18, 2011	(902777)
Item 22	February 17, 2011	(909612)
Item 23	March 16, 2011	(916836)
Item 24	May 17, 2011	(938548)
Item 25	June 01, 2011	(945918)
Item 26	July 01, 2011	(953175)
Item 27	August 02, 2011	(959816)
Item 28	September 01, 2011	(965857)
Item 29	December 02, 2011	(984835)
Item 30	May 08, 2012	(1016963)
Item 31	July 20, 2012	(1032082)
Item 32	August 20, 2012	(1038509)

Published Compliance History Report for CN602538555, RN100217413, Rating Year 2013 which includes Compliance History (CH) components from January 27, 2009, through January 27, 2014.

Item 33	September 17, 2012	(1047325)
Item 34	October 19, 2012	(1063403)
Item 35	November 16, 2012	(1063404)
Item 36	December 18, 2012	(1063405)
Item 37	January 18, 2013	(1080105)
Item 38	February 15, 2013	(1080104)
Item 39	August 20, 2013	(1125508)
Item 40	December 02, 2013	(1135825)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- | | | | |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--|
| 1 | Date: 02/28/2013 (1089845) | CN602538555 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 2 | Date: 03/31/2013 (1096238) | CN602538555 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 3 | Date: 05/31/2013 (1110831) | CN602538555 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 4 | Date: 06/27/2013 (1086682) | CN602538555 | |
| | Self Report? NO | Classification: Moderate | |
| | Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
TPDES Permit No. WQ0001402000 PERMIT | | |
| | Description: Failed to properly operate the chlorination system at the domestic package plants. Specifically, unapproved pool chlorine cleaning tablets were being used to disinfect the wastewater at the domestic package plants. Chlorine tablets that are approved for wastewater use must be used. | | |
| | Self Report? NO | Classification: Moderate | |
| | Citation: 30 TAC Chapter 319, SubChapter A 319.6
30 TAC Chapter 319, SubChapter A 319.9(d) | | |
| | Description: Failed to assure the quality of all measurements. Specifically, the slope of the Dissolved Oxygen (DO) meter was not being checked and recorded daily on the days the meter was used to measure DO for reporting purposes. According to the manufacturer, the slope of the DO meter must be checked by performing a 100% air saturation self-calibration to ensure accuracy of the meter. | | |
| 5 | Date: 06/30/2013 (1117719) | CN602538555 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 6 | Date: 08/31/2013 (1130076) | CN602538555 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 7 | Date: 09/30/2013 (1135826) | CN602538555 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 8 | Date: 10/31/2013 (1141219) | CN602538555 | |
| | Self Report? YES | Classification: Moderate | |

Published Compliance History Report for CN602538555, RN100217413, Rating Year 2013 which includes Compliance History (CH) components from January 27, 2009, through January 27, 2014.

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WYMAN-GORDON FORGINGS,
INC.
RN100217413**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2014-0229-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Wyman-Gordon Forgings, Inc. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates an iron and steel forging plant at 10825 Telge Road in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 22, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Three Thousand Four Hundred Dollars (\$23,400) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Nine Thousand Three Hundred Sixty Dollars (\$9,360) of the administrative penalty and Four Thousand Six Hundred

Eighty Dollars (\$4,680) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Nine Thousand Three Hundred Sixty Dollars (\$9,360) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with the concentration limit of 400 parts per million by volume ("ppmv") at 3% Oxygen ("O₂") for carbon monoxide ("CO"), in violation of 30 TEX. ADMIN. CODE §§ 117.310(c)(1)(B) and 122.143(4), Federal Operating Permit No. O1031, Special Terms and Conditions No. (1)(A), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 30, 2013. Specifically, during a stack test conducted on June 9, 2011, it was determined that the CO concentration from the Heat Treating Furnace, Emission Point Number ("EPN") M914, was 473.52 ppmv at 3% O₂, resulting in the release of approximately 3.57 pounds of unauthorized CO emissions.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Wyman-Gordon Forgings, Inc., Docket No. 2014-0229-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Nine Thousand Three Hundred Sixty Dollars (\$9,360) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, either:
 - i. Perform a stack test to demonstrate compliance with the CO concentration limits for the Heat Treating Furnace, EPN M914, in accordance with 30 TEX. ADMIN. CODE ch. 117; or
 - ii. Submit an alternative case-specific specification request for the Executive Director's approval, in accordance with 30 TEX. ADMIN. CODE § 117.325, to:

Air Permits Division, MC 163
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.e. below to demonstrate compliance with Ordering Provision No. 3.a.i. or 3.a.ii.;
 - c. If an alternative case-specific specification is requested, then respond completely and adequately, as determined by the TCEQ, to all requests for information

concerning the alternative case-specific specification within 30 days after the date of such requests, or by any other deadline specified in writing;

- d. If an alternative case-specific specification is requested, then within 180 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.e. below to demonstrate that the Executive Director has approved the alternative case-specific specification; and
- e. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation including photographs, receipts, and/or other records, and shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela Marcia J.
For the Executive Director

7/23/14
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

M/O'Brien
Signature

5/19/14
Date

Michael O'Brien
Name (Printed or typed)
Authorized Representative of
Wyman-Gordon Forgings, Inc.

General Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2014-0229-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Wyman-Gordon Forgings, Inc.
Penalty Amount:	Eighteen Thousand Seven Hundred Twenty Dollars (\$18,720)
SEP Offset Amount:	Nine Thousand Three Hundred Sixty Dollars (\$9,360)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO ("AERCO")
Project Name:	<i>Clean Vehicles Partnership Project</i>
<u>Location of SEP:</u> Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be

alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Wyman-Gordon Forgings, Inc.
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.